

HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE G.BHAVANI PRASAD

W.A.NO.159 of 2006

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Between:

Battu Naryana Reddy

..... Appellant

AND

The Joint Collector,

Khammam,

Khammam District.

and 3 others

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : Sri V.R.Avula

Counsel for Respondent No. 1 & 2 : G.P. for Revenue

Counsel for Respondent No. 3 : Sri M.Rajamalla Reddy

Counsel for Respondent No. 4 : none appeared.

Dated 7..2..2006

Per Sri G.S.Singhvi, CJ

This appeal is directed against order dated 25.10.2004 passed by the learned Single Judge in W.P.No.14371 of 2002, whereby he rejected the appellant's challenge to notice dated 18.7.2002 issued by Mandal Revenue Officer, Enkoor Mandal, Khammam District for undertaking survey and demarcation of land comprised in Survey No.115 situated in Arekayalapadu village.

At the hearing of the appeal, learned counsel for the appellant stated that he is not pressing the appellant's challenge to notice issued by the Mandal Revenue Officer but the suo motu direction given by the learned Single Judge for initiation of action under A.P.Scheduled Areas Land Transfer Regulations, 1959 (as amended by Regulation NO.1 of 1970) (for short 'the Act') may be set aside because the question whether the land in question forms part of the scheduled area and whether the appellant could have purchased the same in 1964-65 did not arise for consideration

before the learned Single Judge.

Learned Government Pleader for Revenue and learned counsel appearing for Respondent No.3 fairly state that they do not have any objection if the direction given by the learned Single Judge for initiation of the proceedings under the Act is set aside.

In view of the statement made by the learned counsel for the contesting respondents and the fact that entitlement of the appellant to purchase the land in question was not subject matter of adjudication in the writ petition filed against notice dated 18.7.2002, we deem it proper to accept the prayer made by learned counsel for the appellant.

In the result, the appeal is disposed of in the following terms.

1. The appellant's challenge to notice dated 1.8.2002 is rejected.
2. The direction given by the learned Single Judge to the Mandal Revenue Officer to initiate action under the provisions of the Act is set aside.

G.S.SINGHVI, CJ

Dt.7.2.2006

G.BHAVANI PRASAD,J

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